

12-22-11

FILED

Ref: CASE # 1:10-CV-02343

CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

All Metal Sales, Inc vs A Metal Source LLC

Enclosed

Personal DEPOSITION

for Judge Nugent & Court
~~(Ex-Officio Prothonotary)~~

from Thomas P. Blucker

(Father of Thomas G. Blucker - All Metal Sales

Step Father of Jessica Esparza - A Metal Source

Thomas P. Blucker

Received at U.S. Courthouse 12-22-11

by - - - - -

MIDWEST METALS, INC.

CORPORATE HEADQUARTERS

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United States District Court
Northern District of Ohio
Eastern Division
Carl B. Stokes US Court House
801 West Superior Avenue
Cleveland OH 44113

Friday, December 16, 2011

RE: All Metal Sales, Inc. v. A Metal Source, LLC f/d/b All Metal Source, LLC Case # 1:10-CV-02343

I would like to tell you some important information and history about all of us as a family and as well as our line of business. I am Thomas Paul Klocker, father of Thomas Gerald Klocker or "Tommy", the Plaintiff, and step-father of Jessica Esparza, the Defendant.

First off, I must say that I am the President / Owner of Midwest Metals, Inc. a metal distribution company I started in 1978 after working for Chase Brass & Copper, Inc. I started and operate my business in my home in the city of Westlake where to this day, is still located in my home. When I first started my business over 33 years ago, I established myself the old fashion way by working hard. We could only communicate through the phone and postal mail, and we operated on typewriters because in those times, there were no faxes or computers. The introduction of faxes became a very useful tool and was a big deal decades ago for our line of business, just as electronic email and the internet is today.

I established very good business relationships with both my customers and vendors from the ground up and maintained a mutual beneficial relationship with each and every one of them over the years. I have been extremely fortunate to have had such a success story in starting a business from scratch and lasting as long as I have. My hard work is the reason my business has grown and has been successfully operating for over three decades.

My success allowed me to spoil my son, Tommy, the Plaintiff while growing up even though his mother and I had divorced when he was very young. But ever since Tommy was young, he has always been a problem child for me, long before Rocio and her family ever came into my life. My son, Tommy, was so out of control that I was forced to send him to military school at Howe Military School in Indiana. Somehow he got through military school but while attending Bowling Green State University, Tommy was thrown out of school due to academic failure.

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Tommy eventually applied himself more into marine maintenance where he would clean other peoples' boats, or he would make repairs on the boats, or he would transport the boats, or prepare the boats for winter. In 1993, my son was arrested in Lakeside-Marblehead for stealing boat parts from the very same boats he was taking care of. To top things off, my son stored these stolen parts in my home in Marblehead without my knowledge. The worst of it all was that when he was arrested, he was charged as Thomas Klocker and the home address he gave the Police was my own address instead of his. This caused a widespread humiliation for me as it was printed in the newspapers and is public records. My own neighbors, my friends and everyone who knew me or knew of me believed that I was the one that had committed the crime when it was actually my son, Tommy. This incident lead me to have the serious discussion with my son, that from then on he was to always refer himself as Thomas Gerald Klocker or Thomas G. Klocker or Tom G. Klocker making it clear that he and I are two different people.

I met my wife, Rocio Sanjuan, in Boca Raton, Florida in 1993 when I was on vacation visiting my family for Christmas that coincidentally lived in the same city as did Rocio. I was very interested in getting to know her better and for some time, I called Rocio trying to convince her to come visit me in Ohio but she refused to come, so I began to visit her in Florida.

When I first met Rocio, I was not use to her broken English and at times, it was hard understanding her but we managed. Now, 19 years later, her English is still broken but it has gotten better and it is much easier for me to understand her. Sometimes others cannot understand her because of her accent and the speed she is speaking in and I then become her translator. When I met Rocio, she had 2 daughters, Karla and Jessica, the Defendant and in 1993 Karla was 20 years old meanwhile Jessica was 12 years old. Rocio and Karla moved in with me in Westlake, Ohio and months later, Jessica moved in with me as well. My son, Tommy, the Plaintiff, at the time was 24 years old but he did not live with us whatsoever as he had his own condo in Lakeside-Marblehead at the time.

My son has done everything in his power to make life a living hell for me, for Rocio, for Karla, and for Jessica. My son has been nothing but a complete nuisance and a monster for all of these years. My wife as you can see is Hispanic and has a dark skin complexion. This has always been an issue with Tommy. Back then and to this day, when my wife and I run into my son in public, my son constantly yells at my wife the racial "N" word or the "F" "B" words and repeatedly tells her to leave and go back to Colombia. My son has threatened to kill my wife on more than one occasion. My son has attempted to have my wife arrested, not once, but two times. In the mid 1990's Tommy told the Westlake Police that my wife, Rocio, was going to kill me with a pellet gun that he thought was a real gun. The other incident was in November 2009 when Tommy told the Westlake Police that my wife, Rocio, had killed me and that my dead body was in the basement of our home. Tommy had told the Westlake Police that

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Rocio had killed her previous three (3) husbands, which is completely false as Rocio was a single mother of two (2) and her first and her only marriage has been with me, Thomas Paul Klocker.

My son goes around telling negative things to others about my wife, meanwhile, my wife has done nothing to him. My wife, Rocio, got him a ticket to Rio De Janiero, Brazil when I had told her specifically not to, but the three (3) of us had a great time on the vacation. Jessica was supposed to go with us but she was not able to take such a long time off from high school. Tommy had, had the misfortune of being arrested for receiving oral sex from a female illusionist in public at Mardi Gras in the Rio De Janiero. Other than this humiliating incident in Brazil, Tommy, Rocio and I had a wonderful time together golfing, boating, swimming, visiting important sites and enjoying the food and culture.

The only other times my son has been pleasant with my wife was 1) When Tommy wanted to take Rocio's daughter Karla out, 2) When Tommy wanted to date two (2) of Rocio's friends from her English school, 3) When Tommy wanted something out of me, he would use Rocio and go through her, to get me to give my son whatever it was he wanted at the time, and again 4) When I paid him large amounts of money, every month, to be nice to Rocio, my wife.

At some point in the early months of 1993, Rocio's daughter Karla at the age of 19 began working for me at Midwest Metals as one of my secretaries. Karla worked hard for me and helped me through a business crisis I had years ago and she respectfully worked for me until she moved to New York to start a family in 1996. Rocio's other daughter Jessica at the age of 14 began working for me after school in 1995 to help my secretaries with their paperwork, including Tommy's paperwork. She was quite handy because she was of the computer generation and at the time I implemented computers into my office at Midwest Metals, my secretaries were not computer literate. Jessica was computer savvy and was very efficient.

After Tommy came out of jail for the crime he had committed for stealing the boat parts, he continued working in the marine business for another 3 years until he asked if he could work for me at Midwest Metals. My son worked at my business for a total of three (3) years from 1996 until he resigned in 1999 to which I was led to believe that he had gone back to marine maintenance. While employed at Midwest Metals, I had to pay my son a couple of thousand dollars at a time for him to be nice to Rocio, to Karla and to Jessica when he would interact with them as my business was in my home; and there were obvious times they would come in contact with each other. After paying him, he would be nice to them for a little while or sometimes just for a couple of days until he began his tantrum again and I would then have to cut him another check. This repetitive disrespectful behavior and outright extortion from my own son, lasted up until he left my business in 1999. For the record, Tommy's way of being nice to Rocio, to Karla and to Jessica was to completely ignore them, or avoid being around them

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and not say a single word to them. Tommy caused problems at Midwest Metals when he physically assaulted one of my other employees [Lara] and because of this incident by my son, my company almost faced a possible lawsuit.

In the time Tommy was still working for me at Midwest Metals, I was notified by a couple of individuals that my son had started his own metal distribution business. Two of the women my son dated told my wife that Tommy was operating his business from the home he lived in, that I was paying his rent for, in Lakewood. Needless to say, I did not believe the news I was being given. Rocio's own daughter, Karla was telling me that Tommy was running his metal business within Midwest Metals but I didn't believe her either. Only when the UPS delivery driver told me that he had just made some deliveries at my son's business, did I truly believe that my son had become my competitor. Not only did he operate his own business from within my company, Tommy used Midwest Metals company checks to pay for the "off-the-radar orders" he processed and diverted to his own business, All Metal Sales, Inc. My son stole additional company checks to pay himself extra while in my absence to top things off. This was not a small amount of money we are talking here. We are talking several of thousands of dollars. My accountant and I discovered my son's mischievous actions only after Tommy was no longer employed by Midwest Metals.

I later discovered that my son, Tommy, was visiting my customers and presenting himself to them as Thomas Klocker or Tom Klocker, President of Midwest Metals, Inc. My son told my customer's that the company was going under a business name change to All Metal Sales, Inc. and that the new business location was in Avon, Ohio; which is where Tommy had his first warehouse before relocating to Westlake. Before my son Tommy officially resigned from Midwest Metals and while still working for me, he had long before established All Metal Sales, Inc. and he was diverting Midwest Metals business to All Metal Sales, Inc. I lost a lot of my key customers and the repeat orders to my son that I had worked very hard to develop over the years that fueled my business.

Tommy and the success of his business All Metal Sales, Inc. derived from the hard work my business had established with my customers that was outright stolen from Midwest Metals. Stealing prime and repetitive business from Midwest Metals paved the way much too easily for my son the millionaire. My son became a millionaire from one night to the other and he has been living the grand lifestyle that he believes he worked hard for although only a few know the factual truth of my son's success. Taking a look at my son's lifestyle, his possessions people wonder, "How the hell did this guy become so successful?" I ask myself, after taking all of my business and my son's continued extravagant purchases, when will his parade end. My wife and I have been saying for several years that he is burning

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through his money faster than he is making it, and that one day his finances will catch up to him. Other mutual acquaintances have commented the same with regards to my son and his lifestyle.

Jessica graduated in 2005 from Bowling Green State University where she was studying to become a doctor while also working for Midwest Metals part time on school breaks or long weekends. At that same time period, Midwest Metals had experienced some changes and was in need of personnel. Instead of going to medical school at Case Western Reserve as she had planned, she continued to work for my company, Midwest Metals due to my business losing key veteran employees. Jessica became Midwest Metals main employee and she managed the duties and responsibilities herself, that I use to have five (5) employees perform. Jessica had become a valuable part of my business and worked for Midwest Metals for 14 years up until June of 2009. Five (5) months later, Jessica opened her own metal business under the name All Metal Source, LLC. She too has started her business in her home just as I did 33 years ago.

The home I used to rent for Tommy in Lakewood, he has since then purchased along with purchasing the home right next to it combining the two (2) homes as one. Tommy had an expensive, extensive and extravagant remodeling project on his home in 2005. This remodeling project has lead to a legal battle that my son has been battling for years now, against the residential community he lives in which involves a dispute over the color of brick used on the strip of property Tommy claims to be the owner of. The final outcome of the all the cases were not in my sons' favor and he is now responsible for the court costs and attorney's fees of all the failed cases and their appeals as the final decision made from the Ohio Supreme Court in April of 2011. My son had told me that he had spent almost two-hundred thousand dollars on lawyers for these cases he lost.

My son then bragged that he was prepared to spend a lot more money than that on legal fees to make sure Jessica, the Defendant, is put out of business. Furthermore, my son shared with me that ten (10) years ago a successful businessman, Tommy's landlord at some point in time, told him, "Don't be afraid to sue people and or to sue as many people as you can as this will make you successful. For example, you get an oil change for your car, sue or threaten to sue the mechanic for a scratch on the car hood and they will settle to any of your demands. This way you make out because most people can't afford lawsuits, therefore getting anything you want from them." This is exactly what Tommy is doing with the lawsuit against Jessica. He is abusing the courts to take advantage of Jessica. Tommy has financial responsibilities to his failed lawsuit attempts and I am most certain that his case against Jessica is more of a way to get money from her that way he can pay his own debt, while still succeeding in destroying her business.

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I did my best raising my son as his mother and I had divorced when he was extremely young. But the truth of the matter is, I want you to see my son, Tommy, the Plaintiff and the owner of All Metal Sales, Inc. for the monster that he is. If you have not established from my letter today as well as the evidence from this case that are truthful and factual, that my the Plaintiff is selfish, he is arrogant, he is racist, he is deceitful and conniving, he is cruel and he is vindictive. He is a monster and I have been saying this for way too long.

I firmly believe that my son Thomas G. Klocker or "Tommy" should be held fully responsible for paying Jessica Esparza's court costs, attorney's fees, compensatory damages and any further relief the Courts deem appropriate. This lawsuit has absolutely nothing to do with regards to Trademark infringement, nor does it have to do with unfair competition, but instead this lawsuit is derived from Tommy's extreme hatred and vengeance towards Jessica. This case is only being pursued by my son Tommy in the hopes to destroy my daughter Jessica Esparza. My son continues to cause an immeasurable amount of pain and suffering to Jessica emotionally, financially and spiritually.

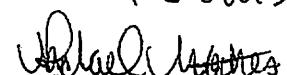
Thank you for reading my input on the injustice that my son, Thomas G. Klocker, "Tommy" the Plaintiff, is attempting to do to my daughter, Jessica Esparza, the Defendant.

Sincerely,



Thomas Paul Klocker aka known as Tom, Sr.
President of Midwest Metals, Inc.

Verified on this 16th day of December 2011.



Michael Matthes Notary Public
My Comm. Expires:

June 21, 2015

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